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of things is apparently put in the statute in three different places. One of it has to do with the charge, and we've talked about that. At the top of page 4, the same set of penalties is inserted on the basis of a periodic inspection that indicates that insufficient progress has been made towards compliance. I find that a little bit confusing too because I don't understand whether that again relates to some alleged fact or some proven fact.

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: And I assume that the requirement towards progress probably has to do with a decision made earlier in an earlier violation that has been proven, but, nonetheless, my question would be isn't that also alleged at that point in time and is it necessary and appropriate to put something like a civil penalty in there, again, on something that's alleged and not proven yet, if you understand my point?

SENATOR CUDABACK: Senator.

SENATOR JENSEN: I understand what you're...you're saying. This is where they've actually made a recommendation and then they come back and check and find out that it hasn't been followed through, and so there would be an assessment at that time. These...these inspections are made...we used to require that they be made periodically. Now they're made...

SENATOR CUDABACK: Time.

SENATOR JENSEN: ...unannounced.

SENATOR CUDABACK: Senator Beutler, your light is next.

SENATOR JENSEN: They are made unannounced and so then if they do determine that there is a problem they would come back and do a reinspection to make sure that it is taken care of. And, in that case, if it hadn't been, why, then they could, again, impose this \$5 assessment, which would be a civil penalty. And I suppose they would come back then even a third time to make sure that that had been taken care of.